

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CIVIL ACTION NO.: 1:16-CV-01044-CCE-LPA**

DAVID CLARK, et al.,

Plaintiffs,

v.

DUKE UNIVERSITY, et al.,

Defendants.

**DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56, Defendants Duke University, the Duke Investment Advisory Committee, Kyle Cavanaugh, Tim Walsh, James S. Roberts, Rhonda Brandon, Steve Smith, Anders Hall, Richard Schmalbeck, Michael Lazar, Dr. Nan Jokerst, Eric Koehrsen, and Jean Shields (collectively, "Defendants"), through their undersigned counsel, respectfully move for summary judgment as to all of Plaintiffs' claims. In support of this motion, Defendants submit the accompanying Memorandum of Law in Support of Defendants' Motion for Summary Judgment, the Declarations of Kyle Cavanaugh, Katherine Ortiz, and Abbey M. Glenn, and the exhibits thereto.

WHEREFORE, for the reasons set forth in the accompanying Memorandum, Defendants respectfully request that the Court grant the motion and dismiss all claims, and grant such other relief as the Court determines is just and appropriate.

Dated: November 16, 2018

/s/ Jeremy P. Blumenfeld

Jeremy P. Blumenfeld  
**MORGAN, LEWIS & BOCKIUS LLP**  
1701 Market Street  
Philadelphia, PA 19103-2921  
Telephone: 215.963.5000  
Facsimile: 215.963.5001  
Email: jeremy.blumenfeld@morganlewis.com

Donald L. Havermann  
Christopher A. Weals  
Abbey M. Glenn  
**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Ave NW  
Washington, DC 20004-2541  
Telephone: 202.739.3000  
Facsimile: 202.739.3001  
Email: donald.havermann@morganlewis.com  
Email: christopher.weals@morganlewis.com  
Email: abbey.glenn@morganlewis.com

/s/ James P. Cooney III

James P. Cooney III  
N.C. State Bar No.: 12140  
WOMBLE BOND DICKINSON (US) LLP  
One Wells Fargo Center, Suite 3500  
301 South College Street  
Charlotte, NC 28202  
Telephone: 704.331.4900  
Facsimile: 704.331.4955  
Jim.Cooney@wbd-us.com

Brent F. Powell  
N.C. State Bar No.: 41938  
WOMBLE BOND DICKINSON (US) LLP  
One West Fourth Street  
Winston-Salem, NC 27101  
Telephone: 336.721.3600  
Facsimile: 336.721.3660  
Brent.Powell@wbd-us.com

**CERTIFICATE OF SERVICE**

I hereby certify that on November 16, 2018, I electronically filed the foregoing Motion for Summary Judgment with the Clerk of Court using the CM/ECF system which will send notification of such filing and effectuate service to all counsel of record in this matter, including:

Jerome J. Schlichter  
Michael A. Wolff  
Troy A. Doles  
Heather Lea  
Sean E. Soyars  
Kurt C. Struckhoff  
**SCHLICHTER, BOGARD & DENTON,  
LLP**  
100 South Fourth Street, Suite 1200  
St. Louis, MO 63102  
Phone: (314) 621-6115  
Fax: (314) 621-5934  
jschlichter@uselaws.com  
mwolff@uselaws.com  
tdoles@uselaws.com  
hlea@uselaws.com  
ssoyars@uselaws.com  
kstruckhoff@uselaws.com

*Lead Counsel for Plaintiffs*

David B. Puryear, Jr.  
**PURYEAR AND LINGLE, PLLC**  
5501-E Adams Farm Lane  
Greensboro, NC 27407  
(336) 218-0227  
puryear@puryearandlingle.com

*Local Counsel for Plaintiffs*

/s/ Jeremy P. Blumenfeld  
Jeremy P. Blumenfeld  
**MORGAN, LEWIS & BOCKIUS LLP**  
1701 Market Street  
Philadelphia, PA 19103-2921  
Telephone: 215.963.5000  
Facsimile: 215.963.5001  
Email: jeremy.blumenfeld@morganlewis.com